

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:

**Camara Bowden,**

Debtor

Chapter 7

Bankruptcy No. 22-00746

Honorable Donald R. Cassling

**NOTICE OF MOTION**

TO: See attached list

**PLEASE TAKE NOTICE** that on April 5, 2022, at 9:30 a.m., I will appear before the Honorable Donald R. Cassling, or any judge sitting in that judge's place, and present the **Motion of Camara Bowden, Debtor, to Compel Abandonment, and to Shorten Notice**, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is 161 414 7941 and the password is 619. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

**Camara Bowden,**

By: /s/ Justin Storer  
One of His Attorneys

Justin R. Storer (6293889)  
**FACTORLAW**  
105 W. Madison, Suite 1500  
Chicago, IL 60602  
Tel: (312) 373-7226  
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**CERTIFICATE OF SERVICE**

I, Justin Storer, an attorney, hereby certify that on March 29, 2022, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the below Service List and by U.S. mail on all other persons identified on the attached Service List.

/s/ Justin Storer

**SERVICE LIST**

**Registrants in the Case**

(Service via ECF)

**Ira Bodenstein**

[iratrustee@cozen.com](mailto:iratrustee@cozen.com)

**Patrick S. Layng**

[ustpreion11.es.ecf@usdoj.gov](mailto:ustpreion11.es.ecf@usdoj.gov)

**Non-registrants in the Case**

(Service via first-class mail; including list of all creditors following)

Northwestern Mutual  
720 E. Wisconsin Ave.  
Milwaukee, WI 53202

Alyssa Crawford  
c/o Daniel Zemans  
2023 W. Berteau Ave.  
Chicago, IL 60618-3179

American Express  
PO Box 297879  
Fort Lauderdale, FL 33329-7879

ACD Emergency Road Services, LLC  
11624 S. Bell Ave.  
Chicago, IL 60643-4716

BMO Harris  
PO Box 94934  
Lincolnshire, IL 60069

BMO Harris Bank  
PO Box 2008  
Milwaukee, WI 53201-2008

Ascentium Capital  
23970 Highway 59 North  
Kingwood, TX 77339-1535

Capital One Bank  
PO Box 31293  
Salt Lake City, UT 84131-0293

JPMORGAN CHASE BANK N A  
BANKRUPTCY MAIL INTAKE TEAM 700  
KANSAS LANE FLOOR 01 MONROE LA  
71203-4774

Bank of America  
PO Box 982238  
El Paso, TX 79998-2238

Comenity Bank  
PO Box 182789  
Columbus, OH 43218-2789

Dantea Grayson  
11624 S. Bell Ave.  
Chicago, IL 60643-4716

City of Chicago  
Nonpriority Creditor's Name  
Department of Admin. Hearings  
400 W. Superior  
Chicago, IL 60654-3409

HOME POINT FINANCIAL CORPORATION  
11511 LUNA ROAD  
2ND AND 3RD FLOOR  
FARMERS BRANCH TX 75234-6451

IC System Inc  
PO Box 64378  
Saint Paul, MN 55164-0378

DISCOVER FINANCIAL SERVICES LLC  
PO BOX 3025  
NEW ALBANY OH 43054-3025

ILLINOIS DEPARTMENT OF REVENUE  
BANKRUPTCY UNIT  
PO BOX 19035  
SPRINGFIELD IL 62794-9035

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Illinois Department of Labor  
160 N. LaSalle St., Suite C-1300  
Chicago, IL 60601-3114

Nonpriority Creditor's Name  
1100 Winter Street  
Suite 4600  
Waltham, MA 02451-1453

Peggy Taylor, et al.  
4728 S. Prairie Ave., Unit 1  
Chicago, IL 60615-1210

Municipal Collection Service  
PO Box 327  
Palos Heights, IL 60463-0327

Robert Cole  
c/o Daniel Zemans  
2023 W. Berteau Ave.  
Chicago, IL 60618-3179

Samsara  
Nonpriority Creditor's Name 1170  
Peachtree Street, 9th Floor  
Atlanta, GA 30309-7649

Peoples Energy Credit Union  
200 E. Randolph St.  
22nd Floor  
Chicago, IL 60601-6433

Sedrick Morris  
c/o Shimanovsky & Moscardini  
130 S. Jefferson St., Suite 350  
Chicago, IL 60661-5762

Shanice Hayes  
6411 S. Washtenaw Ave. Chicago,  
IL 60629-1733

Santander Bank, N.A.  
3 Huntington Quad  
Suite 101N  
Melville, NY 11747-4623

US BANK  
PO BOX 5229  
CINCINNATI OH 45201-5229

Camara Bowden  
11624 S. Bell Ave.  
Chicago, IL 60643-4716

Sharon Hamilton  
4728 S. Prairie, Unit 3  
Chicago, IL 60615-1210

Synovus Bank

1797 N. East Expy NE

Brookhaven, GA 30329-7803

Document

Tara Walker

4728 S. Prairie, Unit 2

Chicago, IL 60615-1210

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Transworld Systems Inc.

500 Virginia Drive, Suite 514

Fort Washington, PA 19034-2733

WESTLAKE COMMUNITY HOSPITAL

123 N WACKER DRIVE

SUITE 1800

CHICAGO IL 60606-1770

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:

**Camara Bowden,**

Debtor

Chapter 7

Bankruptcy No. 22-00746

Honorable Donald R. Cassling

**MOTION TO COMPEL TRUSTEE TO ABANDON PROPERTY OF THE  
ESTATE AND TO SHORTEN NOTICE**

Camara Bowden (the “**Debtor**”) seeks an order compelling the chapter 7 Trustee to abandon certain exempt property, to wit, the Debtor’s postpetition right to receive disability benefits, which accrued both prepetition and postpetition. This right has been scheduled and is asserted to be exempt.

Even if the exemption would otherwise be found not to be objectionable, an order compelling abandonment is necessary for practical purposes: The Debtor has no income at this moment, and the debtor’s disability insurance carrier, Northwestern Mutual, has requested clarifying authority to memorialize that it may make payment to the Debtor.

**JURISDICTION**

1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois.

2. Venue of the above-captioned case (the “**Case**”) and of this motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(1) and (b)(2)(A).

## BACKGROUND

4. On January 23, 2022 (the “*Petition Date*”), the Debtor filed a voluntary petition for relief under chapter 7 of title 11, United States Code (the “*Bankruptcy Code*”), thereby initiating the Case.

5. Ira Bodenstein was appointed as the interim trustee in the Case pursuant 11 U.S.C. § 701. The original meeting of creditors pursuant to § 341 of the Bankruptcy Code was conducted on February 15, 2022, and has been continued for follow-up.

6. On March 9, 2022, the Debtor filed amended schedules A/B and C, disclosing that he was entitled to receive \$2,000 per month disability, plus an (approximately) \$16,000 arrearage as disability insurance benefits. The Debtor asserted that this right was 100% exempt, pursuant to 735 ILCS 5/12-1001(g)(3).

7. This exemption protects “The debtor’s right to receive: [...] a disability, illness, or unemployment benefit.”

## DISCUSSION

8. Pursuant to section 554(b) of the Bankruptcy Code, “on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate.”

9. The Debtor’s right to receive disability insurance benefits is exempt, and were these benefits paid to the Trustee, he would simply refund them to the Debtor, and so this right is burdensome and of inconsequential value to the estate.

10. The asserted exemption not having become “final,” by way of the Trustee’s declining to file a timely objection to the exemption and the subsequent closure of the case, see *Lulay Law Offices v. Rafter*, 579 B.R. 827, 833 (N.D.Ill. 2017), the Debtor submits that abandonment is appropriate. (To clarify this point, the deadline for the trustee to make any

such objection has not even commenced to run; the section 341 meeting has not been concluded.)

### **NOTICE**

11. Seven days' notice of this motion has been provided to a) the Trustee, b) the United States Trustee, and c) all parties that receive electronic notice in this matter.

12. The Debtor acknowledges that under Rule 6004(b), a party in interest may serve a notice of objection to a motion to compel a Trustee's abandonment within 14 days of the mailing of the notice. The Debtor submits that due to the relatively-uncomplicated facts at hand and personal urgency, that shortened notice is appropriate, and authorized by 6004(b), providing that objection can be made within 14 days, "or within the time fixed by the court."

13. The Debtor respectfully requests that the Court deem the notice sufficient under the circumstances.

**WHEREFORE**, the Debtor respectfully requests this Court enter an order compelling the Trustee to abandon the Debtor's right to receive disability benefit payments from Northwestern Mutual, authorizing Northwestern Mutual to make such payments to the Debtor directly in comport with its ordinary policies, and issuing such further relief as the Court deems appropriate.

Dated: March 29, 2022

**Camara Bowden**

By: /s/ Justin R. Storer  
One of his attorneys

Justin R. Storer (6293889)  
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